

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 06-07
)	
Kevin's Electric, Inc.)	
)	
Respondent)	
_____)	

CONCILIATION AGREEMENT

On or around June 2006, Barbara U. Wong, Executive Director for the Campaign Spending Commission ("Commission"), received a letter from Kevin's Electric Inc ("Respondent"), that they may have unintentionally made a contribution to a non candidate committee, in an aggregate amount greater than \$1,000.00 in an election.

NOW, THEREFORE, Respondent and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondent and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondent pursuant to section 11-216(g), HRS.
- III. That Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondent waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.

V. That Respondent having voluntarily and fully cooperated with this investigation desires to resolve any potential litigation by entering into this Agreement with the Commission on his own volition and with full knowledge and understanding.

VI. That parties agree to the pertinent facts as follows:

1. On or around June 2006, Barbara U. Wong, Executive Director for the Commission, received a letter from Respondent regarding a contribution by Respondent.
2. Respondent is the sponsoring organization for the Kevin's Electric, Inc. PAC.
3. Kevin's Electric, Inc. PAC is a noncandidate committee registered with the Commission.
4. In the letter, Respondent advised Executive Director Wong that Respondent made a \$2,500 contribution to the Kevin's Electric, Inc. PAC. on January 13, 2006.
5. Section 11-204(b), Hawaii Revised Statutes (HRS), reads as follows:

“No person or any other entity shall make contributions to a noncandidate committee, in an aggregate amount greater than \$1,000 in an election.”

6. Respondent made an excess contribution of \$1,500 to the Kevin's Electric, Inc. PAC, in violation of section 11-204(b), HRS.

7. Respondent did not knowingly, intentionally, or recklessly violate section 11-204(b), HRS.
8. Respondent advised that the Kevin's Electric, Inc. PAC made a \$2,500 contribution to the Hawaii Republican Party on February 16, 2006 and that the Hawaii Republican Party returned \$1,500 to Respondent on June 1, 2006, more than thirty days after it received the contribution.
9. Section 11-204(e), Hawaii Revised Statutes (HRS), reads as follows:

“Any candidate, candidate's committee, or committee that receives in the aggregate more than the applicable limits set forth in this section in any primary, initial special, special, or general election from a person, shall be required to return any excess contribution to the original donor within thirty days of receipt of the excess contribution. Any excess contribution not returned to the original donor within thirty days shall escheat to the Hawaii election campaign fund. A candidate, candidate's committee, or committee who complies with this subsection prior to the initiation of prosecution shall not be subject to any penalty under section 11-228.”

VII. Settlement Terms

1. As final settlement of the matter and issues in Conciliation Agreement #06-07, Respondent understands and agrees to an assessment of Five Hundred Dollars (\$500) pursuant to section 11-228, HRS, which shall be paid by the Hawaii Republican Party.
2. The \$1,500 excess contribution to the Hawaii Republican Party shall escheat to the Hawaii election campaign fund.
3. Respondent agrees to comply with Hawaii laws on contributions and expenditures.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Respondent on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

- XI. This Agreement does not constitute an admission of criminal or civil liability on the part of the Respondents.
- XII. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter and any and all other matters covered by this Agreement.

FOR THE COMMISSION:

Barbara Wong, Executive Director

_____ Date: _____

FOR THE RESPONDENT:

Kevin's Electric, Inc.

By: _____

Its: _____

Date: _____